File No. 224/28

Collection No.

19

Office of the Resident in Mysore, Bangalore

RC 14/4

~~Pros.~~ Serial Nos. 44 – 56 (P-27)

Subject.

Factories Rules

Previous References.	Later References.

C.N.40. No. 84-B-29, dt 7.1.29, from the D.C. Mayte, comdg.

41

Draft submitted

C.V.Ramanathan
15.1.29

Secretary 42 The draft may issue. I have made some pencil corrections of the wording in the draft notification.

19/1

Result 43 I have added another workmen don't "desire" anything that Govt may "grant" it.

22/1

S.R.211 Issued Notification No. 5, dated 28th January 1929

Comsh.

S.N.42 From the Dr. Mayte, No. 52-B-29, dt 22-11-29.

44

× Vide 'Draft for approval'

The draft notification forwarded with the p.u.c. follows the Madras notification ‡ on the subject; it may perhaps issue.

‡ Encl. to S.N.36/a

C.V. Ramanathan 1.2.29

Secretary

Draft

S.N.43 Notification No. 10 dt 8.2.29.
S.N.44 (p.u.c) No. 388 B-29, dt 24-1-29 from the DM, Comsh.

45

The connected correspondence

Viz (1) (B) is at S.N. 34, 35, 38 & 39

(A) A reply is due to S.N. 38 (on the basis of the information in the P.U.C) The P.U.C. does not account for ten copies out of the 100 copies sent to the D.M. with S.N 125/321-91. The Insp: of Factories may be asked by telephone. Draft-message.

C.V. Ramanathan 19/2
8.2.29

(I) (Message issued)

46

(Q) From the telephonic reply of the Insp: of Factories, it is seen that "60 copies" mentioned in the P.U.C is an error for "70 copies".

(A) A draft reply to S.N. 38 is submitted for approval

C.V. Ramanathan 19.2.29 19/2/29

(From page 45)

S.N. 45 Issued vide D/No. 1223/D 23.2.29

S. N. ~~48~~ 51 | From the District Magistrate, C & M Station, no. 1231-B-29, 13-3-29

47

Draft submitted.

C.V. Ramanathan
23.3.29

Secretary

25.3.29

S.N.52 | Issued No. 23 dated 4th April 1929

S.N.53. PUC I | Letter dated the 8th March, 1929, from the Secretary to the Government of Madras, Development Department.

S.N.54/1 & II | Letter dated the 8th March, 1929, from - do -

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Draft submitted.

M. Ramachandra
9.4.29

Issued No. 35-29 dated 22.4.29

Letter No.Fac. R.C. R. 2 of 28 dated the 23rd January 29, from the Inspector of Factories, C. & M. Station, Bangalore, to the District Magistrate, C. & M. Station, Bangalore.

-----:0:-----

Subject :- Indian Factories Act 1911 -(Act XII of 1911)- Station Factory (amended) Rules 1924 - Abstract of Rules - printing.

Reference;- Your endorsement No.5022-B-28, dated 16-1-29.

Of the 100 printed copies of the Abstract of the Indian Factories Act and Rules received with Residency Memorandum No.8949 dated 12-11-1924, 27 copies were sold to the Managers of the Factories in the Civil and Military Station and the sale proceeds of Rs.6-12-0 at annas four a copy were credited to "XXXV-Miscellaneous, M.A.T." There are (60) copies in stock (3 apparently were supplied for reference to other offices) and cannot be disposed of in view of the fact that amendments have since been made to the Abstract as printed in 1924. Your reference N. Ref.5022-B-28, dated 18-1-29. is enclosed.

-----:0:-----

No.388-B-29.

Copy forwarded to the Secretary to the Resident in Mysore, Bangalore, with reference to his No.482, dated 15-1-29. The sale was effected through the Inspector of Factories.

Office of the District Magistrate,
Civil and Military Station,-
Bangalore, Dated, 24th January 1929.

DT. MAGISTRATE.

All communications should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

No. 1973 Enc.
224-1928.

From
Major G. Loch,
SECRETARY TO THE RESIDENT IN MYSORE.

To
The Deputy Controller, Printing,
New Delhi.

Dated Bangalore, 23rd Feby. *1929.*

Subject.

Printing of the Abstract of the Indian Factories Act, 1911, and the rules made thereunder.

Sir,

(A) 5.11.38
Enc. to S.N.34

With reference to your letter No. C.P.O.81/18/28, dated the 29th December, 1928, I am directed to enclose a sample (in English) of the Abstract of the Indian Factories Act, 1911 and rules made thereunder, which are required to be printed in Tamil and Telugu. Copies of these Abstracts are intended for sale to the Managers of factories in the Civil and Military Station of Bangalore. The Abstract printed in English in 1924 was sold by the Inspector of Factories at four annas per copy, and the sale proceeds credited to "XXXV - Miscellaneous" in the budget of the Assigned Tract.

I have the honour to be,
Sir,
Your most obedient servant,

for SECRETARY TO THE RESIDENT.

GOVERNMENT OF MADRAS

DEVELOPMENT DEPARTMENT.

From

A.McG.C. Tampoe Esquire, I.C.S.,
Secretary to the Government of Madras.

No. 1889
21/4/29

To

The Hon'ble the Resident in Mysore,
BANGALORE.

Dated, Fort St. George, the 18th February 1929.

Sir,

I am directed to forward the enclosed proceedings of the Madras Government, No.136 Development, dated the 23rd January 1929.

I have the honour to be,

Sir,

Your most obedient servant,

for Secretary to Government.

Draft submitted

A.S.R.18/2.

Government of Madras

DEVELOPMENT DEPARTMENT

G.O. No. 136, 23rd January 1929

Factories—Rule 54-A—Form Q—Amended.

READ—the following papers :—

I

Extract from the letter of the Commissioner of Labour, No. 1915/27, dated 9th December 1927.

2. I also suggest that the existing Form 'Q' of the Madras Factories Rules should be made more comprehensible by the inclusion of additional instructions of a general nature. A modified form is given in the annexure* and this may be printed in English and in the different vernaculars and supplied free in the first instance to all factories. If necessary, the occupiers may, later on, be asked to supply their workmen with these notices and to meet the cost of doing so.

II

Memorandum No. 4078-II/27-3, Development, dated the 10th August 1928.

The Superintendent, Government Press, is requested to publish the following notification in the *Fort St. George Gazette* :—

NOTIFICATION.

In exercise of the powers conferred by clause (*j*) of sub-section (2) of section 37 of the Indian Factories Act, 1911, as amended, the Governor in Council proposes to make the following amendment to the Madras Factories (Amended) Rules, 1923, published on pages 992 to 1007 of Part I of the *Fort St. George Gazette*, dated 11th September 1923, as subsequently amended. The amendments are published as required by section 39 (1) of the Act for the information of all persons likely to be affected thereby and under section 39 (2) of the Act notice is hereby given that the said draft will be taken into consideration on or after 15th November 1928. Any objections or suggestions thereto should be sent to the Commissioner of Labour before that date.

Amendment.

For the existing Form Q *substitute* the following :—

(Vide form attached.*)

(By order)

R. RAMASWAMI AYYANGAR,
Assistant Secretary to the Government.

To the Commissioner of Labour.
" " Police.
" all District Magistrates.
" the Director of Public Health [through Local Self-Government (Public Health) Department].
" the Local Self-Government (Public Health) Department.
" the Law (Drafting) Department.
" the Superintendent, Government Press, for publication of notification.
Copy to the Government of India, Department of Industries and Labour.
" Hon'ble the Resident in Mysore, Bangalore.

Order—No. 136, Development, dated 23rd January 1929.

The Superintendent, Government Press, is requested to publish the following notification in English and in the vernaculars in the *Fort St. George Gazette*. He is also requested to supply the Senior Translator to Government with six copies of the notification.

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* Printed at page 2 infra.

[R. O. 106 (a)].

All communications should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

OFFICE OF THE RESIDENT IN MYSORE,

Bangalore, 2— 3— 192 9

No. 2145 ENCLOS. 1.

A copy of the marginally* noted ~~letter, with enclosure~~ Proceedings, is forwarded

*No. 136 dated 23-1-29 of ~~from~~ the Madras Govt. (Development Deptt).

to the Dist. Magte, Comr Sb., Bangalore.

Secretary to the Resident.

532—15-9-1927—5,000—RPB.

2289 ✓
4/3/29

No. C.P.O. 81/18/28

Government of India.
Central Printing Office
DEPARTMENT.

New Delhi, Dated the 28th February 1929.

Subject :— Printing of the Abstract of the Indian Factories Act, 1911 & Rules made thereunder in Tamil & Telugu.

(A)
S.R. 38.

The undersigned is directed to invite attention to the communication noted in the margin and to request the favour of an early reply.

C.P.O. No. 81/18/28, dated the 29.XII.28.

Assistant Controller, Printing

MGIPC—FP—568DGF—S&P—(G-1756)—26-3-27—2,00,000.

(C)

May be filed.
A reply was sent in S.N 45

CVR
5.3.29
5/3

Secrt. 11-14—1,000—20-7-28.

FORT ST. GEORGE,
~~DOXXXXXXXD~~,

29th ~~February~~ 1929.

From

A.McG.C. Tampoe Esq., I.C.S.,

SECRETARY TO THE GOVERNMENT OF MADRAS,
Development DEPARTMENT,

To

THE Hon'ble Resident in Mysore,

Bangalore.

SIR,

I am directed to forward the enclosed proceedings of the Madras Government, No.261 Development, dated the 12th February 1929.

Draft subd.

I have the honour to be,
Sir,
Your most obedient servant,

for Secretary.

Government of Madras

DEVELOPMENT DEPARTMENT

G.O. No. 261, 12th February 1929

Factories—Electrical generating stations—Exemption—Section 30 (1) (*c*) of Indian Factories Act—Notification—Published.

READ—the following paper :—

G.O. No. 1261, Development, dated 2nd August 1928.

Order—No. 261, Development, dated 12th February 1929.

The Superintendent, Government Press, is requested to publish the following notification in English and in the vernaculars in the *Fort St. George Gazette*. He is also requested to supply the Senior Translator to Government with six copies of the notification :—

NOTIFICATION.

Whereas it has been proved to the satisfaction of the Governor in Council that in electrical generating stations the work of persons employed as Stokers, Ash coolies, Turbine drivers and greasers, Switch-board attendants and Pump-men necessitates continuous production for technical reason.

The Governor in Council, in exercise of the powers conferred by clause (*c*) of sub-section (1) of section 30 of the Indian Factories Act, 1911 (Act XII of 1911), as subsequently amended, is hereby pleased to exempt the said work from the provisions of sections 21, 22 and 28 of the said Act subject to the following conditions :—

(1) The exemption shall apply only to persons employed on eight-hour shifts.

(2) In the case of exemption from section 21, sufficient time (though not a fixed period) to the satisfaction of the Inspector of Factories shall be allowed for meals.

(3) In the case of exemption from section 22, no person shall be allowed to work consecutively for fourteen days without a holiday for a whole day.

(4) In the case of exemption from section 28, the overtime for which any person is employed in a factory shall not, except in exceptional circumstances, details regarding which shall be immediately reported to the Inspector, be such as to make the hours of work exceed twelve in any one day and shall not occur more than once in three weeks.

(By order of the Governor in Council)

A. McG. C. TAMPOE,
Secretary to Government.

To the Commissioner of Labour.
" the Commissioner of Police.
" all District Magistrates.
" the Director of Public Health (through Local Self-Government Department).
" the Local Self-Government (P.H.) Department.
" the Law (Legislative) Department.
" the Superintendent, Government Press (for publication of notification).
" the Senior Translator to Government.

Copy to the Government of India (Industries and Labour Department) (with C.L.).
" Hon'ble Resident in Mysore, Bangalore (with C.L.).
" Officer in charge of Medical Store Depot, Madras.

[R. O. 106 (a)].

All communications should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

OFFICE OF THE RESIDENT IN MYSORE, 50

Bangalore, 6—3—1928

No. 2261 ENCLOS. 1

A copy of the marginally* noted ~~letter, with enclosure~~ Proceedings, is forwarded

*No. 261 dated 12.2.29 to the D.C. Nagle, C.V.M. of ~~from~~ the Madras Civil Station, Bangalore. (Development Deptt)

for Secretary to the Resident.

532—15-9-1927—5,000—RPB.

CNR 5.3.29

Letter No.R.C.R.15 of 28 dated the 5th March 1929, from the Inspector of Factories, C. & M. Station, Bangalore, to the District Magistrate, C. & M. Station, Bangalore.

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Subject:- Indian Factories Act 1911 (XII of 1911)-Rules-amendment.

Reference:- Hon'ble the Resident's Notification No.86, dated 15th November 1928.

Copies of the above Notification in which notice was given under Section 39 (2) of the Act that it is proposed to take up for consideration on 1-3-1929. ~~and~~ the proposed amendments to Rule 35 and to delete clause (e) of Rule 2 of the Station Factory (amended) Rules were communicated to the Managers of Factories in the Station and they were asked to prefer objections or make suggestions, if any, in respect of the proposed amendments to the Inspector of Factories before 1-3-1929.

As no objections or suggestions have been received, the Secretary to the Hon'ble the Resident may be informed that the said draft Notification (No.86 dated 15-11-28 of the Hon'ble the Resident) may be issued as final.

No. 1231-B-29.

Copy forwarded to the Secretary to the Resident in Mysore, Bangalore, for favour of necessary action with reference to Resident's Notification No.86 dated 15-11-28.

Office of the DT. Magistrate,
Civil & Military Station,
Bangalore, dated 13th March 1929.

DT. MAGISTRATE. 14.3.29.

14 MAR 1929

THE HON'BLE THE RESIDENT IN MYSORE.

---:O:---

No. 23 Dated Bangalore 4/12 April, 1929.

N O T I F I C A T I O N.

In exercise of the powers conferred by clause (j) of sub-section (2) of section 37 of the Indian Factories Act, 1911, as amended, and as applied to the Civil and Military Station of Bangalore, the Hon'ble the Resident in Mysore is pleased to make the following amendments to the Bangalore Civil and Military Station Factories (Amended) Rules, 1924, published with his notification No.9, dated the 25th January, 1924.

S.N. 117

AMENDMENTS.

(i) Clause (e) of Rule 2 of the said Rules shall be omitted.

(ii) For Rule 35 of the said Rules, the following shall be substituted, namely:

"35. The following parts of machinery shall be securely fenced or protected if in motion and within reach:-

All shafts, whether vertical or horizontal, wheels (including balancing and momentum wheels besides the parts mentioned in section 18 (1)(a) and (b), drums or pulleys (including fast and loose pulleys), couplings, collars, clutches, toothed wheels, straps, whether horizontal, inclined or vertical, bands, belts, chains, ropes and wires, or other devices by which any machine or appliance receives its motion. Also all projecting set screws, keys, nuts or bolts on revolving parts of machinery.

Explanation:- The fences and other devices for protection shall be so constructed and designed as to render it impossible for any person to pass between them and a moving part and also in such manner as to give protection to a person oiling, cleaning or otherwise attending to machinery and to all persons who may be in the neighbourhood of a moving part while it is in motion.

Exception:- Where in any case any of the parts mentioned in this rule are not, in the opinion of the Inspector of Factories,

a source of danger to any person employed in the factory he shall, at the request of the occupier or manager of the factory, give such occupier or manager a certificate in writing clearly specifying the parts which are not a source of such danger. This rule shall not apply in respect of any parts specified in such certificate".

(iii) In rules 47 and 49 of the said Rules, and in questions 23 and 32 of Form N annexed to the said rules, the word 'transmission' shall be omitted.

o/c

Major.

SECRETARY TO THE RESIDENT.

USB

To be published in the Mysore Residency Orders.

The District Magistrate, Civil & Military Station, Bangalore, with reference to his endorsement No.1231-B-29, dated the 13th March, 1929.

Any communication with reference to this letter should be addressed to—
The Deputy Controller, Printing,
Government of India,
Central Printing Office.
Telegrams:—PRINCO.

GOVERNMENT OF INDIA
CENTRAL PRINTING OFFICE
SIMLA _____ NEW DELHI

No. C. P. O. 81/18/28, New Delhi, the 19th March 1929

RESIDENCY OFFICE
Regd. No. 3736
Date of receipt 25/3/29

To

The Superintendent,
Govt. Press, Madras.

Sir,

I have the honour to state that section 36(1) of the Indian Factories Act, 1911, (an Abstract in English enclosed herewith) requires that the prescribed Abstracts of this Act and of the rules made thereunder should be affixed in some conspicuous place near the main entrance of every factory in English and in the language of the majority of the operatives in such factory. I would accordingly request to be informed whether these Abstracts are available for sale in Tamil and Telugu at the Govt. Press, Madras. If so, the prices of each may kindly be intimated. In this connection it may be mentioned that a specimen copy of the Abstract (in English) printed in bold type in one sheet which is used in the Madras Presidency was obtained in 1924, (presumably from you) and printed at the Residency Press, Bangalore, for the use of factories located in the Civil and Military Station, Bangalore.

2. In case the Abstracts in Tamil and Telugu are not stocked for sale, this office may kindly be informed whether arrangements can be made to print them in these versions. If so, the approximate cost of production of 25 copies in each of the versions may kindly be stated.

I have the honour to be,
Sir,
Your most obedient servant,

Sd/- R.A. Halfhide.

Deputy Controller, Printing.

copy

Copy forwarded to the Secretary to the Resident in Mysore, for information with reference to his letter No. 8C-45 1973/224-1928, dated the 23rd February 1929. A further communication will follow.

2. It may be observed that the sale proceeds of the Abstract printed in English in 1924 at the Mysore Residency Press, Bangalore, should have been credited to the head "XXXIV- Printing and Stationery, Central" as the cost of maintaining that press is borne by the Central Government.

3. A copy of the Indian Factories Act, 1911, as modified up to the 1st June 1926, received with the letter quoted above is returned herewith.

Deputy Controller, Printing.

No. 3607 28-4-29 Magistrate

Copy forwarded to the District, C & M Station, Bangalore, for infprmation, with referenceto the correspondence ending with his endorsement no. 388-B-29, dated the 24th January, 1929.

S.N. 45 (R)

o/c

for Secretary to the Resident.

M.L.P. 14.3.29.

K.U Raghavendra Rao
11.4.29.

DEVELOPMENT DEPARTMENT.

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From

A.McG.C. Tampoe Esq., I.C.S.,

Secretary to the Government of Madras.

To

The Hon'ble the Resident in Mysore,

BANGALORE.

Dated, Fort St. George, the 8th March 1929.

S i r,

I am directed to forward the enclosed proceedings of the Madras Government, No. 233 -Development, dated the 7th February 1929.

I have the honour to be,

Sir,

Your most obedient servant,

for SECRETARY TO GOVERNMENT.

A.S.R.8/3.

Government of Madras

DEVELOPMENT DEPARTMENT

G.O. No. 233, 7th February 1929

Factories—Rules—Draft amendments—Published.

READ—the following papers :—

I

Official Memorandum No. 3826-II/28-1, Development, dated 6th November 1928.

Section 22 (1) (*a*) of the Indian Factories Act provides that no person shall be employed in a factory on Sundays unless a holiday is given instead on some other day. Section 30 (2) of the Act enables the Local Government to exempt any factory from the provisions of this section under certain circumstances. The Government have also framed a rule (59) under the Act providing that in every factory exempted from the provisions of section 22 a compensatory period of rest, viz., one full day holiday for each Sunday worked shall be given within seventeen days of the commencement of the period in respect of which the exemption is availed of. The rule also contains an explanation to the effect that the provisions of this rule shall be without prejudice to any conditions that may be imposed in granting the exemption.

The question for consideration is whether any factory exempted from the provisions of section 22 can also be exempted from the condition in rule 59 that a compensatory period of rest of one full-day holiday for each Sunday worked shall be given within seventeen days of the commencement of the period in respect of which the exemption is availed of. The Advocate-General is requested to favour Government with his opinion on the point.

A. McG. C. TAMPOE,
Secretary to Government.

To the Advocate-General.

II

Opinion of the Advocate-General, No. 250, dated 13th November 1928.

[*Reference.*—Memorandum No. 3826-II/28-1, Development, dated 6th November 1928.]

Section 22 of the Indian Factories Act provides that no person shall be employed in a factory on Sundays unless a holiday is given on some other day as mentioned in the section. Section 30, clause 2, enacts that the Local Government may by general or special order exempt for such period as may be specified in the order and on such conditions, if any, as it may impose, any factory from the provisions of section 22, on the ground that such exemption is necessary in order to enable such factory to deal with an exceptional press of work. Rule 59 made under section 37 of the Act states : " In every factory exempted from the provisions of section 22, a compensatory period of rest, namely, one full day holiday for each Sunday worked, shall be given within seventeen days of the commencement of the period in respect of which the exemption was availed of." There is an explanation added to the rule to the effect that the provisions of the rule shall be without prejudice to any conditions that may be imposed in granting exemption.

2. Only such rules could be framed under an Act as are not in any way inconsistent with or repugnant to any express provision made in the Act, and the rules are made for the purpose of carrying into effect the provisions of the Act. If any of the rules made under an Act should in any way happen to conflict with any provisions of the Act, the provision of the Act, and not the rule, should prevail.

3. Turning to section 30 (2), the Local Government is given power to exempt for such period as may be specified in the order and on such conditions, if any, as it may impose, any factory from the provisions of section 22. Under this section it is open to the Government when exempting any factory from the provisions of section 22 to impose such conditions as it may deem fit; but it is also open to it not to impose any conditions at all while granting the exemption. The section does not contain any limitation such as, "subject to the rules framed, etc." That being so, it seems to me that rule 59 could not be construed to conflict with the provisions of section 30; so that if the Government chooses, it could exempt any factory from the provisions of section 22 for a specified period and without imposing any conditions at all. Whether the Government should do so in any particular case and deprive people employed in the factory of holidays on Sunday without compensating period of rest or imposing on the factory such other conditions as would compensate such workmen, is a matter resting on the discretion of the Government.

C. V. ANANTAKRISHNA AYYAR,
Advocate-General.

III

Official Memorandum No. 3826 II/28-3, Development, dated 16th November 1928.

[*Reference.*—Opinion of the Advocate-General, No. 250, dated 13th November 1928.]

According to the above opinion the local Government can, under section 30 (2) of the Indian Factories Act, 1911, exempt a factory from the provisions of section 22 without imposing any conditions at all. If so, rule 59, which imposes a condition subject to which the exemption should be granted, becomes in-operative. The Advocate-General is requested to advise whether in the above view the rule may be cancelled, as the Local Government can always impose any conditions even without the existence of the rule.

For similar considerations the legality or the necessity for the rules 64 and 65 may also kindly be examined and the Government advised whether they need be retained in the rules.

A. MoG. C. TAMPOE,
Secretary to Government.

To the Advocate-General.

IV

Opinion of the Advocate-General, No. 11, dated 14th January 1929.

[*Reference.*—Memorandum No. 3826-II/28-3, Development, dated 16th November 1928.]

I am clearly of opinion that the rules 59, 64 and 65 ought to be cancelled. As it is, to say the least, it is very doubtful whether the rules themselves are *intra vires*. The rules cannot override the express provisions of the Act. Section 30 (2) invests the Local Government with plenary discretion in the matter of exempting particular factories from the provisions of sections 21, 22, 27 and 28. And, if I may say so with respect, my predecessor is perfectly right in saying that the Local Government need not impose any conditions at all, because the expression used in section 30 (2) is "on such conditions if any." A total exemption from the provisions of sections 21, 22, 27 and 28 is expressly contemplated by the legislature.

Again, the principle underlying section 30 (2) is that at the time when the exemption is granted in respect of any particular factory or factories, it is for the local Government to consider each case or cases and determine the conditions which are appropriate to the case or cases, having regard to the exigencies of the situation and the special circumstances. The conditions will be a part of the general or special order granting the exemption. A rule which fetters the discretion of the executive of the Government which is intended to be elastic would be really repugnant to the spirit, if not the letter, of the section.

A. KRISHNASWAMI,
Advocate-General.

Order—No. 233, Development, dated 7th February 1929.

The Superintendent, Government Press, is requested to publish the appended notification in English and in the vernaculars in three successive issues of the *Fort St. George Gazette*. The Commissioner of Labour is requested to forward to Government with his remarks any objections or suggestions that are received by him up to 20th May 1929.

2. The Superintendent, Government Press, is requested to supply the Senior Translator to Government with six copies of the notification.

(By order of the Governor in Council)

A. McG. C. Tampoe,
Secretary to Government.

To the Commissioner of Labour.
" the Commissioner of Police.
" all District Magistrates.
" the Director of Public Health (through Local Self-Government Department).
" the Local Self-Government (Public Health) Department.
" the Law (Drafting) Department.
" the Superintendent, Government Press (for publication of notification).
" the Senior Translator to Government.
Copy to the Government of India, Department of Industries and Labour, } with C.L.
" " Hon'ble the Resident in Mysore, Bangalore, }

APPENDIX.

NOTIFICATION.

The following draft of certain amendments to the Madras Factories (Amended) Rules, 1923, published in Notification No. 246, dated 28th August 1923, printed at pages 992 to 1007 Part I of the *Fort St George Gazette*, dated 11th September 1923, as amended up to date, which the Governor in Council proposes to make under sub-section (1) of section 37 of the Indian Factories Act, 1911 (Act XII of 1911), as subsequently amended, is hereby published as required by sub-section (1) of section 39 of the said Act for general information. Under sub-section (2) of section 39 of the said Act, notice is hereby given that the said draft will be taken into consideration on or after 20th May 1929. Any objections or suggestions which may be received from any person with respect to the said draft before the date aforesaid will be considered by the Governor in Council. Objections and suggestions should be sent to Government through the Commissioner of Labour.

Draft amendments.

1. Rules 59, 64 and 65 of the said rules shall be deleted.

2. For rule 60 of the said rules, the following shall be substituted, namely :—

"60. Where the Local Government exempt any factory from the provisions of section 22 of the Act on condition that provision shall be made in such factory for compensatory periods of rest, such periods of rest as specified in the order granting exemption shall be entered in Form J."

GOVERNMENT OF MADRAS

DEVELOPMENT DEPARTMENT.

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From

A.McG.C. Tampoe Esq., I.C.S.,

Secretary to the Government of Madras.

To

The Hon'ble the Resident in Mysore,

BANGALORE.

Dated, Fort St. George, the 6th March 1929.

Sir,

I am directed to forward the enclosed proceedings of the Madras Government, No. 148-Development, dated the 25th January 1929.

I have the honour to be,

Sir,

Your most obedient servant,

for SECRETARY TO GOVERNMENT.

A.S.R.8/3.

5-
9

Government of Madras

DEVELOPMENT DEPARTMENT

G.O. No. 148, 25th January 1929

Factories—Rules—Draft amendments—Published.

Order—No. 148, Development, dated 25th January 1929.

The Superintendent, Government Press, is requested to publish the following notification in English and in the vernaculars in the *Fort St. George Gazette*. He is also requested to supply the Senior Translator to Government with six copies of the notification :—

NOTIFICATION.

In exercise of the powers conferred by sections 37 (1) and 37 (2) (*b*) of the Indian Factories Act, 1911, as amended, the Governor in Council proposes to make the following amendments to rules 56, 57, 58 and 58-A of the Madras Factories (Amended) Rules, 1923. The amendments are published as required by section 39 (1) of the Act for the information of all persons likely to be affected thereby, and, under section 39 (2) of the Act, notice is hereby given that the said draft will be taken into consideration on or after the 10th May 1929. Any objections or suggestions thereto should be sent to Government through the Commissioner of Labour before that date.

DRAFT AMENDMENTS.

For the existing rules 56 and 58, *substitute*—

" 56. (1) On receiving a request from not less than one quarter of the adult employees in any branch or department of work in any factory asking that the provisions of sub-clause (ii) of clause (*a*) of sub-section (1) of section 21 shall apply to them, the Inspector shall ascertain the desire of all such employees. If he is satisfied that all of them desire that the provisions of the said sub-clause should apply, he shall obtain an application signed by all of them, record the fact in the inspection book under his signature and direct that the hours of rest shall be fixed accordingly under the said sub-clause.

(2) The procedure prescribed in sub-rule (1) shall also be followed where the employees concerned desire that the provisions of the said sub-clause shall no longer apply to them.

For the existing rule 58-A, *substitute*—

57. (1) On receiving a request from not less than one-quarter of the adult male employees in any branch or department of work in any factory asking that the provisions of the proviso to clause (*a*) of sub-section (1) of section 21 shall apply to them, the Inspector shall ascertain the desire of all such employees. If he is satisfied that all of them desire that the provisions of the said proviso should apply, he shall send to the Local Government through the Commissioner of Labour a report of such request together with an application signed by all such employees. If the Local Government sanction such request, they shall communicate the order of sanction to the Commissioner of Labour who shall transmit the same to the Inspector and the latter shall communicate it under his signature to the factory. Such order shall be posted in the nspection book.

(2) The procedure prescribed in sub-rule (1) shall also be followed where the employees desire that the provisions of the said proviso shall no longer apply to them.

For the existing rule 57, *substitute*—

" 58. In the absence of an entry signed by the Inspector under sub-rule (1) of rule 56 or of an order under sub-rule (1) of rule 57 in the inspection book, or when such an entry or order has ceased to be in force, the provisions of sub-clause (1) of clause (*a*) of sub-section (1) of section 21 shall apply to the factory."

(By order of the Governor in Council)

A. McG. C. TAMPOE,
Secretary to Government.

To the Commissioner of Labour.
" the Commissioner of Police.
" the Director of Public Health, through Local Self-Government (Public Health) Department
" the Local Self-Government (Public Health) Department.
" the Law (Legislative) Department.
" the Superintendent, Government Press, for publication of notification.
" the Senior Translator to Government.
" all District Magistrates.

Copy to the Government of India, Department of Industries and Labour (with C.L.).
" Hon'ble the Resident in Mysore (Bangalore) (with C.L.).
" Officer in charge of the Medical Store Depot, Madras.

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[R.C. 106 (a).]

All communications should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

OFFICE OF THE RESIDENT IN MYSORE,

Bangalore, 22nd April 1929.

No. 38/29 Enclos. 2
224-1928.

A copy of the marginally* noted ~~letter with enclosure~~ Proceedings is forwarded to the District Magistrate, Civil & Military Station, Bangalore.

*NoG.O.No.233, & No.148, dated the 7th February 1929 & 25th January, 1929, from the Government of Madras, Development Department.

for Secretary to the Resident.

1212—16-3-1929—5,000—RPB.

M.V. Ramachandra Rao
19-4-29